

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

777.32 Lethal potential of weapon possessed or used.

Sec. 32. (1) Offense variable 2 is lethal potential of the weapon possessed or used. Score offense variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

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| (a) The offender possessed or used a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, or harmful radioactive device..... | 15 points |
| (b) The offender possessed or used an incendiary device, an explosive device, or a fully automatic weapon..... | 15 points |
| (c) The offender possessed or used a short-barreled rifle or a short-barreled shotgun..... | 10 points |
| (d) The offender possessed or used a pistol, rifle, shotgun, or knife or other cutting or stabbing weapon..... | 5 points |
| (e) The offender possessed or used any other potentially lethal weapon..... | 1 point |
| (f) The offender possessed or used no weapon..... | 0 points |

(2) In multiple offender cases, if 1 offender is assessed points for possessing a weapon, all offenders shall be assessed the same number of points.

(3) As used in this section:

(a) "Harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", and "harmful radioactive device" mean those terms as defined in section 200h of the Michigan penal code, 1931 PA 328, MCL 750.200h.

(b) "Fully automatic weapon" means a firearm employing gas pressure or force of recoil or other means to eject an empty cartridge from the firearm after a shot, and to load and fire the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.

(c) "Pistol", "rifle", or "shotgun" includes a revolver, semi-automatic pistol, rifle, shotgun, combination rifle and shotgun, or other firearm manufactured in or after 1898 that fires fixed ammunition, but does not include a fully automatic weapon or short-barreled shotgun or short-barreled rifle.

(d) "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device.

History: Add. 1998, Act 317, Eff. Dec. 15, 1998;—Am. 2001, Act 136, Imd. Eff. Oct. 23, 2001.